

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

* * * * *
UNITED STATES OF AMERICA, * CRIMINAL NO. 8:19-CR-0181
Plaintiff, * OCTOBER 16, 2019 1:23 P.M.
* GUILTY PLEA HEARING
*
vs. *
*
JAMAL DEMARCUS LATIMER, * Before:
* HON. DONALD C. COGGINS, JR.
* UNITED STATES DISTRICT JUDGE
Defendant. * DISTRICT OF SOUTH CAROLINA
* * * * *

APPEARANCES:

For the Plaintiff: LEESA WASHINGTON, AUSA
United States Attorneys Office
District of South Carolina
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Greenville, SC 29601

For Defendant Jamal Demarcus Latimer:

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Proceedings recorded by mechanical stenography,
transcript produced by computer.
Michele E. Becker, RMR, CRR, RPR
United States District Court
District of South Carolina

1 (Court convened at 1:24 p.m.)

2 (Proceedings were held but not transcribed at this time.)

3 THE COURT: All right. It looks like we have change
4 of pleas in connection with Mr. Latimer and Ms. Suber, and I
5 will ask those folks and their attorneys to please come
6 forward.

7 THE CLERK: Mr. Latimer, please raise your right hand
8 and state your name for the record.

9 DEFENDANT LATIMER: Jamal Demarcus Latimer.

10 (The defendant is duly sworn on oath.)

11 DEFENDANT LATIMER: Yes.

12 THE CLERK: And Ms. Suber, please raise your right
13 hand and state your name for the record.

14 DEFENDANT SUBER: Valencia Danielle Suber.

15 (The defendant is duly sworn on oath.)

16 DEFENDANT SUBER: Yes.

17 THE COURT: Thank you. Mr. Latimer, it's my
18 understanding from your attorney that you wish to change your
19 plea today and enter a plea of guilty; is that correct?

20 DEFENDANT LATIMER: Yes, sir.

21 THE COURT: All right. And Ms. Suber, it's my
22 understanding that you wish to enter a plea of guilty today;
23 is that correct, ma'am?

24 DEFENDANT SUBER: Yes, sir.

25 THE COURT: All right. Ms. Rainey, let me begin with

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1 you. Have you had an adequate time to confer with Mr. Latimer
2 and to discuss this matter with him?

3 MS. RAINEY: I have, Your Honor.

4 THE COURT: And have you advised him of his
5 constitutional rights and explained the court process to him?

6 MS. RAINEY: Yes, sir. I have.

7 THE COURT: And do you believe that he understands
8 what he's doing today?

9 MS. RAINEY: I do, Your Honor.

10 THE COURT: Okay. Mr. Brehm, have you had an
11 opportunity to speak with Ms. Suber regarding this matter?

12 MR. BREHM: Yes, I have, Your Honor.

13 THE COURT: All right. Do you believe that you will
14 need any additional time to confer with her?

15 MR. BREHM: I do not.

16 THE COURT: Have you advised her of her
17 constitutional rights and explained the Court process to her?

18 MR. BREHM: Yes, sir, Your Honor.

19 THE COURT: And do you believe that she understands
20 what she's doing here today?

21 MR. BREHM: I do.

22 THE COURT: All right. Mr. Latimer and Ms. Suber,
23 before I can accept your pleas of guilty, it's necessary for
24 me to make sure that you are pleading guilty voluntarily,
25 knowingly and freely, because by pleading guilty you're going

1 to be giving up certain constitutional rights and legal
2 defenses that you may have under the law. I'm going to have to
3 ask you some questions about that. It is very important that
4 you listen carefully to all of my questions and everything
5 else that is said during this hearing. If at any time I give
6 you information which is different from what someone else may
7 have told you, even if it's what your lawyer told you, you
8 need to rely upon what I tell you during this hearing.

9 If I ask you a question that you do not understand or
10 use a word or phrase that you do not understand, you need to
11 let me know at once so that I can explain it to you. If you
12 do not, I'm going to presume that you understand all of my
13 questions and everything else that is said during this
14 hearing.

15 And finally, if at any time during this hearing you
16 need to stop and take an opportunity to confer privately with
17 your attorney, all you need to do is let me know and I'll be
18 happy to allow you that opportunity.

19 Mr. Latimer, do you understand that?

20 DEFENDANT LATIMER: Yes, sir.

21 THE COURT: Ms. Suber?

22 DEFENDANT SUBER: Yes, sir.

23 THE COURT: All right. Do you understand that you
24 are now under oath, and everything that you tell me from here
25 on out in this hearing is material to your case so that if you

1 give a false answer to any of my questions, that answer could
2 be used against you in a later proceeding which could include
3 a prosecution for perjury or for making a false statement to
4 the Court? Do you understand, Mr. Latimer?

5 DEFENDANT LATIMER: Yes, sir.

6 THE COURT: Ms. Suber?

7 DEFENDANT SUBER: Yes, sir.

8 THE COURT: All right. Mr. Latimer, please state
9 your full name, sir.

10 DEFENDANT LATIMER: Jamal Demarcus Latimer.

11 THE COURT: And how old are you?

12 DEFENDANT LATIMER: 34.

13 THE COURT: How far did you go in school?

14 DEFENDANT LATIMER: Two years in junior college.

15 THE COURT: And where were you born?

16 DEFENDANT LATIMER: Greenwood, South Carolina.

17 THE COURT: Do you have any difficulty in
18 understanding or communicating in the English language?

19 DEFENDANT LATIMER: No, sir.

20 THE COURT: Ms. Suber, please state your full name.

21 DEFENDANT SUBER: Valencia Danielle Suber.

22 THE COURT: How old are you?

23 DEFENDANT SUBER: 35.

24 THE COURT: And how far did you go in school?

25 DEFENDANT SUBER: Bachelor of science.

1 THE COURT: And where were you born?

2 DEFENDANT SUBER: Greenwood, South Carolina.

3 THE COURT: And do you have any difficulty whatever
4 in communicating in the English language?

5 DEFENDANT SUBER: No, sir.

6 THE COURT: All right. Now, this next group of
7 questions that I'm going to ask you are questions that I have
8 to ask of every defendant, so please don't be offended that
9 I'm asking you.

10 Have you used any alcohol or drugs within the last 24
11 hours, Mr. Latimer?

12 DEFENDANT LATIMER: No, sir.

13 THE COURT: Ms. Suber?

14 DEFENDANT SUBER: No, sir.

15 THE COURT: Are you under the influence today of any
16 alcohol, drugs, medication or any other substance, or have any
17 mental, physical, or emotional condition which would keep you
18 from understanding what you are doing, Mr. Latimer?

19 DEFENDANT LATIMER: No, sir.

20 THE COURT: Ms. Suber?

21 DEFENDANT SUBER: No, sir.

22 THE COURT: All right. I did not think that you
23 were, and I so find for the record based upon your appearance,
24 demeanor, and responses to my questions.

25 Now, are there any medications that have been

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1 prescribed for you by a doctor or other healthcare provider
2 that you are supposed to be taking that you are not now taking
3 as directed, Mr. Latimer?

4 DEFENDANT LATIMER: No, sir.

5 THE COURT: Ms. Suber?

6 DEFENDANT SUBER: No, sir.

7 THE COURT: Have you ever been treated for any type
8 of mental illness or addiction to narcotic drugs, Mr. Latimer?

9 DEFENDANT LATIMER: No, sir.

10 THE COURT: Ms. Suber?

11 DEFENDANT SUBER: No, sir.

12 THE COURT: Have you recently been seen or treated by
13 any doctor, psychiatrist, psychologist, or mental health
14 professional, Mr. Latimer?

15 DEFENDANT LATIMER: Yes, sir.

16 THE COURT: Tell me about that.

17 DEFENDANT LATIMER: I just had surgery on my
18 esophagus.

19 THE COURT: Okay. Are you healing okay?

20 DEFENDANT LATIMER: Yes, sir.

21 THE COURT: All right. Anything about that surgery
22 or any medication that may have been prescribed for it that
23 you believe would affect your ability to understand what you
24 are doing here today?

25 DEFENDANT LATIMER: No, sir.

1 THE COURT: Are you prepared to go forward today?

2 DEFENDANT LATIMER: Yes, sir.

3 THE COURT: All right. Ms. Suber, have you recently
4 been treated by any doctor, psychiatrist, or other mental
5 health professional?

6 DEFENDANT SUBER: No, sir.

7 THE COURT: All right. Are you satisfied with the
8 services of your attorney in this matter, Mr. Latimer?

9 DEFENDANT SUBER: Yes, sir.

10 THE COURT: Ms. Suber?

11 DEFENDANT SUBER: Yes, sir.

12 THE COURT: Have you had sufficient time to meet with
13 your lawyer and to discuss your case, Mr. Latimer?

14 DEFENDANT LATIMER: Yes, sir.

15 THE COURT: Ms. Suber?

16 DEFENDANT SUBER: Yes, sir.

17 THE COURT: Has your attorney advised you of your
18 rights and explained the Court process to you, Mr. Latimer?

19 DEFENDANT LATIMER: Yes, sir.

20 THE COURT: Ms. Suber?

21 DEFENDANT SUBER: Yes, sir.

22 THE COURT: Has your attorney explained the possible
23 consequences that may take place as a result of this
24 proceeding, Mr. Latimer?

25 DEFENDANT LATIMER: Yes, sir.

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1 THE COURT: Ms. Suber?

2 DEFENDANT SUBER: Yes, sir.

3 THE COURT: Have you told your attorney everything
4 that you want or need to tell him or her about your case,
5 Mr. Latimer?

6 DEFENDANT LATIMER: Yes, sir.

7 THE COURT: Ms. Suber?

8 DEFENDANT SUBER: Yes, sir.

9 THE COURT: Has your attorney done everything you
10 have asked him or her to do for you, Mr. Latimer?

11 DEFENDANT LATIMER: Yes, sir.

12 THE COURT: Ms. Suber?

13 DEFENDANT SUBER: Yes, sir.

14 THE COURT: Is there anything else that you would
15 like for your attorney to do for you before we proceed today,
16 Mr. Latimer?

17 DEFENDANT LATIMER: No, sir.

18 THE COURT: Ms. Suber?

19 DEFENDANT SUBER: No, sir.

20 THE COURT: Do you authorize and request that your
21 attorney speak on your behalf during this hearing today,
22 Mr. Latimer?

23 DEFENDANT LATIMER: Yes, sir.

24 THE COURT: Ms. Suber?

25 DEFENDANT SUBER: Yes, sir.

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1 THE COURT: All right. Ms. Rainey, taking into
2 consideration everything you know about this case, do you
3 agree with Mr. Latimer's decision to plead guilty?

4 MS. RAINEY: I do, Your Honor.

5 THE COURT: And do you have any concerns about his
6 competence to make that decision?

7 MS. RAINEY: None whatsoever.

8 THE COURT: All right. Ms. Washington, any concerns
9 as to competency from the government?

10 MS. WASHINGTON: None as to either defendant, Your
11 Honor.

12 THE COURT: I find that the Defendant Jamaal Demarcus
13 Latimer is competent to plead guilty to the charges against
14 him, and I so find for purposes of this record.

15 Mr. Brehm, with respect to Ms. Suber, taking into
16 consideration everything you know about this case, do you
17 agree with her decision to plead guilty?

18 MR. BREHM: I do, Your Honor.

19 THE COURT: Do you have any concerns about her
20 competence to make that decision?

21 MR. BREHM: No, sir. I do not.

22 THE COURT: All right. I find that the Defendant
23 Valencia Danielle Suber is competent to plead guilty to the
24 charges against her, and so I find for purposes of this
25 record.

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1 Now, each of you, I believe, is pleading guilty to
2 one count of the superseding indictment in this case.

3 Mr. Latimer, I'm going to ask you first, have you
4 received a copy of the superseding indictment that is the
5 document in which the government lays out the charges against
6 you?

7 DEFENDANT LATIMER: Yes, sir.

8 THE COURT: And have you had a sufficient opportunity
9 to review and discuss that indictment as well as your case in
10 general with your attorney?

11 DEFENDANT LATIMER: Yes, sir.

12 THE COURT: Has she gone over the charges with you
13 and explained them to you?

14 DEFENDANT LATIMER: Yes, sir.

15 THE COURT: Has she answered any questions that you
16 have regarding the charges against you?

17 DEFENDANT LATIMER: Yes, sir.

18 THE COURT: Ms. Suber, have you received a copy of
19 the superseding indictment in your case?

20 DEFENDANT SUBER: Yes, sir.

21 THE COURT: And have you had an adequate opportunity
22 to go over it and review it with your attorney as well as
23 reviewing your case in general?

24 DEFENDANT SUBER: Yes, sir.

25 THE COURT: And has he explained the charges to you

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1 and answered all of your questions concerning the indictment?

2 DEFENDANT SUBER: Yes, sir.

3 THE COURT: All right. At this time in order to make
4 sure that you understand the nature of the charges to which
5 you would be pleading guilty, the essential elements that the
6 government would have to prove to prove you guilty if a trial
7 were held, and the maximum possible penalties you may face
8 upon conviction, I'm going to ask the Assistant U.S. Attorney
9 to go over the charge to which each of you is pleading guilty,
10 the essential elements of that charge, and the maximum
11 possible penalties that you may face. And we will begin with
12 Mr. Latimer.

13 MS. WASHINGTON: Your Honor, Mr. Latimer is offering
14 to plead guilty to Count 1 of the superseding indictment. In
15 Count 1 the grand jury charges that beginning at a time
16 unknown to the grand jury but beginning at least in or around
17 2016, and continuing thereafter up to the date of the
18 superseding indictment in this District and elsewhere, that
19 Mr. Latimer along with the others listed in Count 1 of the
20 superseding indictment knowingly and intentionally did
21 combine, conspire, and agree together and have a tacit
22 understanding with each other and others, both known and
23 unknown to the grand jury, to knowingly, intentionally and
24 unlawfully possess with intent to distribute, heroin, cocaine,
25 marijuana, and a substance commonly known as Fentanyl, a

1 substance known as ANPP, which is a controlled substance and a
2 precursor for Fentanyl and Tramadol.

3 With respect to Mr. Latimer, the amount involved in
4 the conspiracy attributable to him as a result of his own
5 conduct and the conduct of other conspirators reasonably
6 foreseeable to him is a kilogram or more of a mixture or
7 substance containing a detectable amount of heroin, which is a
8 Schedule I controlled substance, 5 kilograms or more of a
9 mixture or substance containing a detectable amount of
10 cocaine, 400 grams or more of a mixture or substance
11 containing a detectable amount of substance commonly known as
12 Fentanyl, and 400 grams or more of a mixture or substance
13 containing a detectable amount of ANPP, all of which are
14 Schedule II controlled substances.

15 Your Honor, the indictment alleges that Mr. Latimer
16 committed the offense in Count 1 of the indictment in
17 violation of Title 21 U.S.C. § 841(a)(1), 841(b)(1)(A), and
18 846. Had the case proceeded to trial, the government would
19 have to prove, number one, that the conspiracy described in
20 the indictment was willfully formed and was existing at or
21 about the alleged time; that Mr. Latimer knowingly and
22 voluntarily became a part of the conspiracy; and that
23 Mr. Latimer distributed a quantity of the substances equal to
24 or in excess of the amounts charged in Count 1. That he
25 agreed to assist in the distribution of a quantity of the

1 substances equal to or in excess of the amount charged in
2 Count 1, or the distribution of at least a threshold quantity
3 of those substances alleged in Count 1 was reasonably
4 foreseeable to Mr. Latimer, and the same was within the scope
5 of his agreement and understanding. Mr. Latimer faces a
6 mandatory minimum term of imprisonment of ten years, a maximum
7 of life, a fine of \$10 million, supervised release of at least
8 five years, plus a special assessment fee of \$100.

9 THE COURT: All right. Mr. Latimer, did you listen
10 carefully to the information presented as to the charge to
11 which you are offering to plead, the essential elements that
12 would have to be proven regarding that charge, and the
13 penalties that you may face?

14 DEFENDANT LATIMER: Yes, sir.

15 THE COURT: And did you understand the charge, the
16 elements the government would have to prove, and the penalties
17 that you may face?

18 DEFENDANT LATIMER: Yes, sir.

19 THE COURT: And understanding all of that do you
20 still wish to plead guilty?

21 DEFENDANT LATIMER: Yes, sir.

22 THE COURT: All right. The Court finds for the
23 record that the Defendant Jamal Demarcus Latimer fully
24 comprehends and understands the nature of the charges against
25 him and generally what elements the government would have to

1 prove if a trial were held, as well as the penalties
2 associated with the offense.

3 All right. Ms. Washington, as to Ms. Suber.

4 MS. WASHINGTON: Yes, sir. Ms. Suber is offering to
5 plead guilty to Count 29, that is conspiracy to commit money
6 laundering. In Count 29 the grand jury charges that beginning
7 at a time unknown to the grand jury but beginning at least as
8 early as 2016, and continuing up to the date of the
9 superseding indictment in this District and elsewhere, that
10 Detric McGowan, Lauren Brooke Poore and Valencia Danielle
11 Suber knowingly and willfully did combine, conspire, agree,
12 and have tacit understanding with others both known and
13 unknown to the grand jury to: 1.A., to conduct and attempt to
14 conduct financial transactions affecting interstate and
15 foreign commerce which, in fact, involved the proceeds of a
16 specified unlawful activity, that is drug trafficking, knowing
17 that the property involved in the financial transactions
18 represented the proceeds of some form of unlawful activity,
19 and further knowing that the transactions were intended to
20 promote the carrying on of the specified unlawful activity in
21 violation of Title 18 U.S.C. § 1956(a)(1)(A)(i).

22 Secondly, to conduct and attempt to conduct financial
23 transactions affecting interstate and foreign commerce which,
24 in fact, involved the proceeds of a specified unlawful
25 activity, that is drug trafficking, knowing that the property

1 involved in the financial transactions represented the
2 proceeds of some form of unlawful activity, and further
3 knowing that the transactions were designed in whole and in
4 part to conceal and disguise the nature of the location, the
5 source, the ownership, and the control of the property in
6 violation of 1956, that's Title 18 1956(a)(1)(B)(i).

7 In Part C of Count 29, Your Honor, the grand jury
8 alleges that Ms. Suber and others did conduct and attempt to
9 conduct financial transactions involving interstate and
10 foreign commerce which, in fact, involved the proceeds of drug
11 trafficking knowing that the property involved in the
12 financial transactions represented the proceeds of some form
13 of unlawful activity, and further knowing that the
14 transactions were designed in whole and in part to avoid a
15 transaction reporting requirement under federal law. That is
16 the requirement to report certain information about
17 transactions involving the receipt of more than \$10,000 in
18 United States currency, and one transaction as required under
19 Title 31 in violation of Title 18 U.S.C. § 1956(a)(1)(B)(ii).

20 And in Section D of Count 29, the grand jury charges
21 that Ms. Suber and others did knowingly engage and attempt to
22 engage in monetary transactions by, through, or to a financial
23 institution affecting interstate and foreign commerce and
24 criminally derived property of a value greater than \$10,000.
25 Such property having been derived from a specified unlawful

1 activity, that is drug trafficking, in violation of Title 18
2 U.S.C. § 1957. The indictment alleges that all of the
3 offenses -- all of the different types of money laundering
4 offenses alleged in Count 29 all occurred in violation of
5 Title 18 U.S.C. § 1956(h).

6 Had the case proceeded to trial the government would
7 have to prove that an agreement between two or more persons to
8 commit one or more of the substantive money laundering
9 offenses alleged in the indictment was willfully formed and
10 was existing at or about the alleged time, and that the
11 defendant knowingly and involuntarily became a part of the
12 conspiracy.

13 Ms. Suber faces a maximum term of 20 years, a fine of
14 \$500,000 or twice the value of the property involved,
15 supervised release of three years, plus a special assessment
16 fee of \$100.

17 THE COURT: Thank you. Ms. Suber, did you listen
18 carefully to the information presented regarding the charge to
19 which you are offering to plead, the essential elements the
20 government would have to prove relative to that charge, and
21 the maximum possible penalties that you might face?

22 DEFENDANT SUBER: Yes, sir.

23 THE COURT: And do you understand the nature of that
24 charge, the essential elements the government would have to
25 prove, and the penalties you may face upon conviction?

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1 DEFENDANT SUBER: Yes, sir.

2 THE COURT: And understanding all of that do you
3 still wish to plead guilty?

4 DEFENDANT SUBER: Yes, sir.

5 THE COURT: All right. Based upon that, the Court
6 finds that the Defendant Valencia Danielle Suber fully
7 comprehends and understands the nature of the charges against
8 her and generally what elements the government would have to
9 prove if a trial were held, as well as the penalties
10 associated with the offense.

11 Now, earlier I indicated that by pleading guilty to
12 these charges you are going to be giving up certain important
13 rights and possible legal defenses that you may have under the
14 law. At this time I want to go over those with you, and I'll
15 ask you to listen carefully as I do so.

16 Under the Constitution and laws of the United States,
17 you have a right to plead not guilty. If you plead not guilty
18 you are entitled to a public and a speedy trial by a jury on
19 the charges contained in the indictment. It does not matter
20 to this Court whether you plead guilty or not guilty. If you
21 choose to plead not guilty and request a trial by jury, you
22 will also be entitled to a number of procedural rights as a
23 defendant in a criminal case. You would have the right to the
24 assistance of counsel for your defense at every stage of your
25 case. If you could not afford an attorney, one would be

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1 appointed for you without cost to you. Of course each of you
2 are currently being represented by very experienced and
3 competent legal counsel at this time, and I would expect that
4 they would remain with you through the trial of the case.

5 There is no burden of proof upon you whatsoever. You
6 are presumed innocent of any and all charges until and unless
7 the government proves you guilty of each and every element of
8 the offenses charged beyond a reasonable doubt. You would be
9 presumed innocent and the government would be required to
10 prove you guilty by competent evidence and beyond a reasonable
11 doubt before you could be found guilty, and you would not have
12 to prove of your innocence.

13 The witnesses for the government would have to come
14 to court and testify in your presence. Your attorney would be
15 able to cross examine the government's witnesses and object to
16 evidence offered by the government. And while there is no
17 burden of proof upon you, your attorney could offer evidence
18 on your behalf. Again, while there is no burden of proof upon
19 you, if a trial were held you would have the right to testify
20 in your own defense. You would also have the right to choose
21 not to testify. And if you decided not to testify, I would
22 specifically inform and instruct the jury that no inference or
23 suggestion of guilt whatsoever could be drawn from the fact
24 that you did not testify.

25 You would have the right to the issuance of subpoenas

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1 to compel the attendance of witnesses to come and testify in
2 your defense. In other words, while there is no burden of
3 proof upon you, if a trial were held and you had witnesses
4 that you wanted to come to court and testify for you, this
5 Court will assist you and your attorney in having those
6 witnesses brought to court.

7 Finally, if a trial were held, in order for you to be
8 found guilty, the jury would have to reach a unanimous verdict
9 by all of the jury members.

10 Do you understand these important rights as I have
11 outlined them for you, Mr. Latimer?

12 DEFENDANT LATIMER: Yes, sir.

13 THE COURT: Ms. Suber?

14 DEFENDANT SUBER: Yes, sir.

15 THE COURT: If you plead guilty and I accept your
16 plea, you will be giving up your right to a jury trial and all
17 of the other rights I have just listed for you. There will be
18 no trial, and I will enter a judgment of guilt and sentence
19 you on the basis of your guilty plea. Do you understand,
20 Mr. Latimer?

21 DEFENDANT LATIMER: Yes, sir.

22 THE COURT: Ms. Suber?

23 DEFENDANT SUBER: Yes, sir.

24 THE COURT: If you plead guilty, you will also have
25 to give up your right not to incriminate yourself because I

1 will ask you questions about what you did to satisfy myself
2 that you are, in fact, guilty as charged and will have to
3 acknowledge and admit your guilt. Do you understand,
4 Mr. Latimer?

5 DEFENDANT LATIMER: Yes, sir.

6 THE COURT: Ms. Suber?

7 DEFENDANT SUBER: Yes, sir.

8 THE COURT: I don't know that it is an issue in your
9 case, but if it is, if you plead guilty and I accept your
10 plea, you may be required to make restitution to a victim or
11 victims of your acts either by payment of money or in personal
12 services as may be directed by this Court. If restitution is
13 ordered in your case and you fail to comply, it may be the
14 basis for revoking any period of supervised release that could
15 be imposed as a part of your sentence. Do you understand,
16 Mr. Latimer?

17 DEFENDANT LATIMER: Yes, sir.

18 THE COURT: Ms. Suber?

19 DEFENDANT SUBER: Yes, sir.

20 THE COURT: The offenses to which you are pleading
21 are felony offenses. If your plea is accepted you may be
22 deprived of valuable civil rights, such as the right to vote,
23 to hold public office, to serve on a jury, and possess any
24 kind of firearm. It may also affect your ability to receive
25 certain government benefits. Do you understand, Mr. Latimer?

1 DEFENDANT LATIMER: Yes, sir.

2 THE COURT: Ms. Suber?

3 DEFENDANT SUBER: Yes, sir.

4 THE COURT: If the offense to which you are pleading
5 guilty carries a maximum sentence of 20 years or more, you
6 would be ineligible for any probationary sentence; do you
7 understand, Mr. Latimer?

8 DEFENDANT LATIMER: Yes, sir.

9 THE COURT: Ms. Suber?

10 DEFENDANT SUBER: Yes, sir.

11 THE COURT: If forfeiture is an issue in the case,
12 and I believe there are forfeiture provisions in this
13 indictment, if you plead guilty and I accept your plea I can
14 order you to forfeit certain property to the government, and
15 we will go over the provisions in your respective plea
16 agreements related to that.

17 But do you understand that I can order you to forfeit
18 certain property to the government, Mr. Latimer?

19 DEFENDANT LATIMER: Yes, sir.

20 THE COURT: Ms. Suber?

21 DEFENDANT SUBER: Yes, sir.

22 THE COURT: If you plead guilty, the Court is
23 obligated to impose a mandatory special assessment fee as to
24 each count of the indictment that you admit to, and that is
25 payable immediately upon sentencing. That is the 100-dollar

1 special assessment fee that the Assistant U.S. Attorney
2 referenced when she stated the penalties for the offense. Do
3 you understand that, Mr. Latimer?

4 DEFENDANT LATIMER: Yes, sir.

5 THE COURT: Ms. Suber?

6 DEFENDANT SUBER: Yes, sir.

7 THE COURT: If you plead guilty or if you are
8 convicted by a jury it is up to this Court to determine the
9 appropriate sentence to be imposed in this case. In
10 determining an appropriate sentence, the Court is required to
11 consider the statutory sentencing factors set out in §~3553(a)
12 of Title 18 of the United States Code, and also the advisory
13 sentencing guidelines issued by the United Sentencing
14 Guidelines Commission. Those guidelines are used as a
15 starting point in determining your sentence.

16 The Court is obligated to calculate the applicable
17 guideline range and to consider that range, as well as
18 possible departures under the sentencing guidelines and the
19 other statutory factors under 18 U.S.C. § 3553(a). The Court
20 will also consider for purposes of sentencing, which include
21 punishment, deterrence, incapacitation and rehabilitation in
22 making its determination. Do you understand, Mr. Latimer?

23 DEFENDANT LATIMER: Yes, sir.

24 THE COURT: Ms. Suber?

25 DEFENDANT SUBER: Yes, sir.

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1 THE COURT: Now, have you and your attorney talked
2 about how the statutory factors of the advisory guidelines
3 might affect your sentence in this case, Mr. Latimer?

4 DEFENDANT LATIMER: Yes, sir.

5 THE COURT: Ms. Suber?

6 DEFENDANT SUBER: Yes, sir.

7 THE COURT: Do you understand that this Court will
8 not be able to determine the guideline range for your case
9 until after the presentence report has been completed by the
10 United States Probation Office, and both you and the
11 government have had an opportunity to challenge the reported
12 facts and the application of the guidelines recommended by the
13 probation officer who prepares that report, Mr. Latimer?

14 DEFENDANT LATIMER: Yes, sir.

15 THE COURT: Ms. Suber?

16 DEFENDANT SUBER: Yes, sir.

17 THE COURT: You understand that once it's been
18 determined what guidelines apply to your case, the Court has
19 the authority to impose a sentence more severe or less severe
20 than the sentence called for by the guidelines because those
21 guidelines are advisory, Mr. Latimer?

22 DEFENDANT LATIMER: Yes, sir.

23 THE COURT: Ms. Suber?

24 DEFENDANT SUBER: Yes, sir.

25 THE COURT: Do you understand that any sentence that

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1 I may impose in your case may be different from and possibly
2 greater than any estimate your attorney or anyone else may
3 have given to you, Mr. Latimer?

4 DEFENDANT LATIMER: Yes, sir.

5 THE COURT: Ms. Suber?

6 DEFENDANT SUBER: Yes, sir.

7 THE COURT: In calculating the range of your sentence
8 under the advisory guidelines and determining an appropriate
9 sentence in your case, the Court will also take into account
10 all conduct, circumstances, and injuries associated with your
11 criminal conduct, whether or not that conduct is formally
12 charged by the government or was included in the counts you
13 are admitting to in the indictment. The Court will consider
14 all relevant conduct at the time of sentencing.

15 There is no limitations on the information the Court
16 can consider at the time of sentencing concerning your
17 background, your character, and your conduct, so long as the
18 information is reliable. The Court will take all of these
19 factors and information into consideration in determining an
20 appropriate sentence. Do you understand that, Mr. Latimer?

21 DEFENDANT LATIMER: Yes, sir.

22 THE COURT: Ms. Suber?

23 DEFENDANT SUBER: Yes, sir.

24 THE COURT: You understand that parole has been
25 abolished, and that if you are sentenced to prison you will

1 not be released early on parole, Mr. Latimer?

2 DEFENDANT LATIMER: Yes, sir.

3 THE COURT: Ms. Suber?

4 DEFENDANT SUBER: Yes, sir.

5 THE COURT: Do you understand if your sentence is
6 more severe than you expected, you will still be bound by your
7 guilty plea and you will not have the right to withdraw it,
8 Mr. Latimer?

9 DEFENDANT LATIMER: Yes, sir.

10 THE COURT: Ms. Suber?

11 DEFENDANT SUBER: Yes, sir.

12 THE COURT: All right. Now, in each of your cases it
13 is my understanding that you have entered into a written plea
14 agreement with the government. I want to briefly go over
15 those with you at this time, so I'll ask your attorneys to
16 have a copy available for you to look at as we do so.

17 Mr. Latimer, I'm going to start with you, and I am
18 looking at a plea agreement that is dated October 14th, 2019.
19 It is Docket Entry Number 441. And I'm going to ask you to
20 turn to Page 9, which I believe is the next to last page. And
21 at the bottom of that page you will see some signature lines.
22 The very first signature line has underneath it: Jamal
23 Demarcus Latimer, comma, Defendant.

24 Is that your signature, Mr. Latimer?

25 DEFENDANT LATIMER: Yes, sir.

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1 THE COURT: And did you sign this document on
2 October 14th, 2019?

3 DEFENDANT LATIMER: Yes, sir.

4 THE COURT: And prior to your signing the document
5 did you have a full and complete opportunity to review the
6 plea agreement and study it and to discuss it with your
7 attorney?

8 DEFENDANT LATIMER: Yes, sir.

9 THE COURT: All right. And did Ms. Rainey explain
10 the agreement to you and answer any questions you had about
11 it?

12 DEFENDANT LATIMER: Yes, sir.

13 THE COURT: Do you believe that you understand each
14 and every provision of the plea agreement?

15 DEFENDANT LATIMER: Yes, sir.

16 THE COURT: Did you enter into this plea agreement
17 freely, voluntary and knowingly?

18 DEFENDANT LATIMER: Yes, sir.

19 THE COURT: Are you asking me to approve and accept
20 the plea agreement?

21 DEFENDANT LATIMER: Yes, sir.

22 THE COURT: All right. Ms. Suber, let's take a look
23 at your plea agreement. I'm looking at a document that is
24 dated October 14th, 2019. It is Docket Entry Number 440. And
25 I'm going to ask you to turn to Page 9 which, again, I believe

1 is the next to last page. And there are signature lines at
2 the top of the page. The first one has printed under it:
3 Valencia Danielle Suber, comma, Defendant.

4 Is that your signature above that line, Ms. Suber?

5 DEFENDANT SUBER: Yes, sir.

6 THE COURT: And did you sign this document on
7 October 14th, 2019?

8 DEFENDANT SUBER: Yes, sir.

9 THE COURT: Prior to your signing the document did
10 you have a full and complete opportunity to read the document,
11 to study it, and to go over it with your attorney?

12 DEFENDANT SUBER: Yes, sir.

13 THE COURT: And did he explain the agreement to you
14 and answer all of your questions about it?

15 DEFENDANT SUBER: Yes, sir.

16 THE COURT: Do you believe that you understand each
17 and every provision of the plea agreement?

18 DEFENDANT SUBER: Yes, sir.

19 THE COURT: Did you enter into the plea agreement
20 freely, voluntarily, and knowingly?

21 DEFENDANT SUBER: Yes, sir.

22 THE COURT: Do you want me to approve and accept this
23 plea agreement?

24 DEFENDANT SUBER: Yes, sir.

25 THE COURT: All right. Mr. Latimer, beginning with

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1 you, I want to make sure that your understanding of the plea
2 agreement is consistent with what the government says is in
3 the plea agreement. So, at this time I'm going to ask the
4 Assistant U.S. Attorney to just briefly summarize the
5 provisions in your plea agreement, and I'm going to ask her to
6 skip the initial couple of paragraphs which simply relate to
7 the charges, elements, and penalties that we previously went
8 over. Ms. Washington.

9 MS. WASHINGTON: Yes, sir. Beginning with
10 Paragraph 4 in each of the plea agreements -- and they're
11 virtually identical. As we go through near the end I'll point
12 out the differences between the two.

13 THE COURT: All right. Ms. Suber, I'm going to ask
14 you if you will follow along as well. And Ms. Washington, at
15 any point if the agreements are different, please specify as
16 to which defendant.

17 MS. WASHINGTON: Yes, sir.

18 Beginning with Paragraph 4: Each defendant agrees
19 that provided that he or she complies with the terms of the
20 agreement, each defendant understands that the government will
21 move to dismiss the remaining counts of the indictment at
22 sentencing. Each defendant understands that the Court may
23 consider these dismissed counts as relevant conduct.

24 Each of the defendants understands that the
25 obligations of the government -- and I'm at Paragraph 5 -- in

1 each agreement are expressly contingent upon the defendants
2 abiding by federal and state laws and complying with any bond
3 executed in the case. In the event a defendant fails to
4 comply with any of the provisions of the agreement, either
5 expressly or impliedly, the government will have the right at
6 its sole election to void all of its obligations under the
7 agreement.

8 Paragraph 6 and 7 calls for cooperation and
9 forfeiture. Each defendant agrees to be fully truthful and
10 forthright with law enforcement about all criminal activities
11 about which he or she has knowledge at every stage of the
12 prosecution, and if asked, to take and pass a polygraph
13 examination to the government's satisfaction. Each defendant
14 understands that his or her failure to be truthful and pass a
15 polygraph examination will result in the government's
16 obligations under the agreement to become null and void.
17 Should that occur, each defendant understands that he'll have
18 not right -- he or she will have no right to withdraw the plea
19 and all additional charges including but not limited to the
20 substantive offenses currently charged relating to this
21 investigation will be brought. That the government will
22 pursue the maximum possible sentence for the offenses of
23 conviction. Each defendant also understands that the
24 government will use any and all information and testimony
25 provided by the defendants pursuant to this agreement and any

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1 and all proffer agreements in the prosecution of the
2 defendants of all charges.

3 Paragraph 8: The government agrees that any
4 self-incriminating information provided by the defendants as a
5 result of cooperation required under the agreement will not be
6 used against the defendant in calculating his guidelines.
7 This information does not include information listed --
8 described in 8(a), (b), (c), (d), nor (e) of Paragraph 8 in
9 each agreement.

10 Paragraph 9: Provided the defendants cooperate
11 pursuant to the provisions of the agreement and that
12 cooperation is deemed by the government as providing
13 substantial assistance in the investigation and prosecution of
14 another person, the government agrees to move the Court for a
15 sentence reduction pursuant to § 5K1.1 of the Guidelines, or
16 Rule 35(b) of the Federal Rules of Criminal Procedure. Each
17 defendant understands that any motion made by the government
18 is not binding on the Court, and if the Court denies the
19 motion, the government -- the defendant will have no right to
20 withdraw his plea.

21 Paragraph 10: And this stretches to Paragraph 11 for
22 Mr. Latimer. It addresses forfeiture. In Paragraph 10 and 11
23 for Latimer, but just 10 for Ms. Suber, the defendants agree
24 to voluntarily surrender and not to contest and also assist in
25 locating property subject to forfeiture, including substitute

1 assets. And each defendant also consents to the entry of a
2 preliminary order of forfeiture incorporating such property as
3 mandated under the Rules of Criminal Procedure into the
4 judgment and to any judgment issued in his or her case.

5 Specifically as to Mr. Latimer, in Paragraph 11 he
6 agrees to voluntarily transfer all right, title, interest and
7 claim in any of the property listed in the superseding
8 indictment in the forfeiture allegation of the superseding
9 indictment, and any Bill of Particulars filed in the case.

10 Further, Mr. Latimer attests under penalty of perjury
11 that he owns any of the property described in the indictment
12 or Bill of Particulars, and that those assets are free of any
13 liens or encumbrances. That no other person or entity has a
14 claim to any of the property described in the indictment, or
15 any Bill of Particulars filed in the case.

16 Beginning at Paragraph 11 for Ms. Suber and 12 for
17 Mr. Latimer: Each defendant represents that he has had
18 sufficient opportunity to discuss this case and his or her
19 intended plea of guilty with the respective lawyers and is
20 fully satisfied with his or her attorney's legal
21 representation. The defendants represent his decision to
22 plead guilty is made after full and careful thought, with the
23 advice of his attorneys, and is made freely and voluntarily.

24 Beginning in Paragraph 13 for Mr. Latimer and
25 Paragraph 12 for Ms. Suber: Each defendant understanding that

1 he retains the right to challenge his conviction and/or
2 sentence based on grounds of prosecutorial misconduct or
3 ineffective assistance of counsel; each Defendant in exchange
4 for the concessions made by the government knowingly and
5 voluntarily waives the right to file a direct appeal or other
6 post conviction action including proceedings under 18 U.S.C.
7 § 3742, or a motion under 28 U.S.C. § 2255 that challenges the
8 conviction or sentence imposed by the Court. Each Defendant
9 understands that this waiver does not apply to changes in the
10 law that may affect his or her sentence.

11 Paragraph 14 for Mr. Latimer and 13 for Ms. Suber:
12 Each defendant waives his or her rights under the Freedom of
13 Information Act to directly or indirectly request or receive
14 records regarding the investigation or prosecution of his or
15 her case.

16 And lastly, the final paragraph in each agreement
17 represents to the Court that this is -- I've summarized the
18 entire agreement between the parties. And the agreements
19 filed with the Court represent the entire agreement between
20 the government and each, Mr. Latimer and Ms. Suber.

21 THE COURT: Thank you. Mr. Latimer, you have heard
22 the prosecutor go over these material provisions of your plea
23 agreement. Is her description of those provisions consistent
24 with your understanding of the agreement?

25 DEFENDANT LATIMER: Yes, sir.

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1 THE COURT: All right. Specifically, I had indicated
2 earlier that I would go over with you the forfeiture
3 provisions. And I believe in your agreement it's Paragraphs
4 10 and 11. You agree that you will not contest and that you
5 will voluntarily surrender any property that is subject to
6 forfeiture under the law. And then in Paragraph 11, I believe
7 you further agree that you will voluntarily transfer title to
8 the government of any such property. Do you understand that
9 forfeiture provision?

10 DEFENDANT LATIMER: Yes, sir.

11 THE COURT: All right. And then with respect to
12 Paragraph 13 of your agreement, you have what is called an
13 appellate waiver. Specifically, you state that you are aware
14 that federal law gives you certain appeal rights to appeal
15 your conviction and sentence, both directly and through
16 certain post conviction relief mechanisms. And in exchange
17 for the concessions made by the government in this agreement,
18 you are waiving your rights to appeal or to engage in a post
19 conviction relief remedy under that statute. The only thing
20 you are retaining is the right to make a claim of ineffective
21 assistance of counsel, prosecutorial misconduct, or if there's
22 some subsequent change in the law that would affect your
23 sentence in some way.

24 Do you understand that you are waiving your rights to
25 appeal in that manner?

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1 DEFENDANT LATIMER: Yes, sir.

2 THE COURT: All right. Ms. Suber, did you listen
3 carefully as the prosecutor went over the material terms of
4 your plea agreement?

5 DEFENDANT SUBER: Yes, sir.

6 THE COURT: And was her description of those terms
7 consistent with your understanding?

8 DEFENDANT SUBER: Yes, sir.

9 THE COURT: And do you understand that in
10 Paragraph 10 of your agreement you are agreeing to forfeit
11 certain property that may be subject to forfeiture pursuant to
12 law?

13 DEFENDANT SUBER: Yes, sir.

14 THE COURT: Do you understand in Paragraph 12 that
15 you have also entered into an appellate waiver, that is that
16 you recognize that you are entitled to appeal your conviction
17 or sentence in this matter, but you are waiving your right to
18 any direct appeal and certain post conviction remedies in
19 exchange for the concessions being made by the government, and
20 that only claims of ineffective assistance of counsel,
21 prosecutorial misconduct, or future changes in the law that
22 might affect your sentence can be raised; do you understand
23 that you are waiving those appeal rights?

24 DEFENDANT SUBER: Yes, sir.

25 THE COURT: All right. If you plead guilty and I

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1 accept your plea, the law provides that upon your release from
2 incarceration you will be subject to a term of supervised
3 release. Once you are placed on supervised release, you will
4 be under a court order that will prescribe rules for your
5 conduct while you are on supervised release. If you violate
6 any term or condition of supervised release, you can be given
7 additional time in prison. Do you understand, Mr. Latimer?

8 DEFENDANT LATIMER: Yes, sir.

9 THE COURT: Ms. Suber?

10 DEFENDANT SUBER: Yes, sir.

11 THE COURT: Has anyone forced you, threatened you, or
12 pressured you, in any way to plead guilty, Mr. Latimer?

13 DEFENDANT LATIMER: No, sir.

14 THE COURT: Ms. Suber?

15 DEFENDANT SUBER: No, sir.

16 THE COURT: Other than the provisions in your plea
17 agreement, the concessions of the government in your plea
18 agreement, has anyone promised you anything in order to get
19 you to plead guilty, Mr. Latimer?

20 DEFENDANT LATIMER: No, sir.

21 THE COURT: Ms. Suber?

22 DEFENDANT SUBER: No, sir.

23 THE COURT: Has anyone made any type of prediction,
24 promise, or guarantee to you about what your sentence will be
25 in this case if you plead guilty, Mr. Latimer?

1 DEFENDANT LATIMER: No, sir.

2 THE COURT: Ms. Suber?

3 DEFENDANT SUBER: No, sir.

4 THE COURT: Are you pleading guilty of your own free
5 will because you are, in fact, guilty, Mr. Latimer?

6 DEFENDANT LATIMER: Yes, sir.

7 THE COURT: Ms. Suber?

8 DEFENDANT SUBER: Yes, sir.

9 THE COURT: All right. At this time I'm going to ask
10 the Assistant United States Attorney to summarize the evidence
11 and facts the government would be prepared to prove at trial
12 as to the counts you are pleading guilty to so as to establish
13 an independent factual basis for the offense to which you are
14 pleading guilty. Ms. Washington.

15 MS. WASHINGTON: Your Honor, the investigation that
16 culminated in the arrest of these two defendants began as
17 early as 2016 in Greenwood County. Local law enforcement
18 identified Detric McGowan and others in and around Greenwood
19 County as individuals responsible for the distribution of
20 kilogram quantities of cocaine, heroin and Fentanyl. The
21 heroin and Fentanyl was primarily distributed in pill form.

22 On September 26th, 2018, unrelated to the Greenwood
23 County investigation, a confidential source alerted DEA agents
24 in Las Cruces, New Mexico -- and when I say unrelated I mean
25 that the DEA agents in Las Cruces, New Mexico were not working

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1 with Greenwood County. DEA agents contacted agents here in
2 this District and notified them that Mr. Latimer had contacted
3 a Mexico based source in search of ten kilograms of cocaine
4 and ten kilograms of China white heroin. China white is a
5 term used to refer to pure or high grade heroin and heroin
6 mixed with the synthetic opioid Fentanyl.

7 Agents acting in an undercover capacity as
8 intermediaries between the Mexico based source invited
9 Mr. Latimer to an in-person meeting to hammer out the deal.
10 At the October 3rd, 2018, meeting in El Paso, Texas, Mr.
11 Latimer negotiated the delivery of ten kilograms of cocaine at
12 28,000 per kilogram, and ten kilograms of China white heroin
13 at 48,000 per kilogram, for a total cost of \$760,000 to be
14 delivered to Greenville on or about October 23rd, 2018.

15 On that date, October 23rd, surveillance agents
16 observed Thomas, that is Donald Thomas, who was a
17 coconspirator named in Count 1 and has pled guilty before this
18 Court, Latimer and Christopher Cunningham, also a
19 co-conspirator, arrive and take what appeared to be carry-on
20 size luggage and a duffle bag into an apartment in Mauldin,
21 South Carolina.

22 After the individuals inside the apartment pooled and
23 counted money, three men departed the complex. And as
24 Latimer, who was driving the lead car, exited the parking lot
25 and got onto 85 en route to the agreed upon location to

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1 conduct the transaction with, at the time, what he thought
2 were sources from Texas, once Mr. Latimer got on -- exited the
3 parking lot and got onto Interstate 85, DEA agents arranged a
4 traffic stop by the Highway Patrol. During the stop the
5 vehicles were searched. Mr. Latimer's vehicle was not
6 stopped, but the two vehicles that followed him -- that were
7 following him were. One of those vehicles was driven by
8 Mr. Cunningham. During a search of Mr. Cunningham's vehicle
9 officers seized, located and seized a substantial amount of
10 cash from Mr. Thomas' vehicle. The officers seized
11 approximately \$245,880. And from Mr. Cunningham's vehicle the
12 officers seized \$758,000 or approximately \$758,000. While the
13 searches were being conducted by the highway patrol, agents
14 observed Latimer and McGowan as they positioned themselves in
15 a hotel parking lot -- parking lot facing -- backing up to the
16 hotel but facing Interstate 85 to watch as the cars were
17 stopped and searched.

18 On March 8th -- after Mr. Latimer was arrested at the
19 end of February 2019 -- Mr. Latimer sat for an interview. He
20 admitted his involvement in the conspiracy. He also admitted
21 what agents had already noted, that he also supplied
22 individuals in North Carolina with heroin and Fentanyl.
23 During the investigation the agents were able to obtain
24 authorization to tap or intercept calls over Mr. Latimer's
25 phone or phones used by Mr. Latimer, and a phone used by

1 Mr. McGowan. During the interception over those phones the
2 agents were able to confirm that Mr. Latimer had supplied an
3 individual in North Carolina, Deandre Miles, with
4 approximately 900 grams of a substance containing Fentanyl,
5 heroin, and ANPP. On or about December 18th, 2018, during
6 interception primarily over Mr. Latimer's phone, the agent
7 heard Latimer and Thomas discuss the arrest of Mr. Miles in
8 the Charlotte area. Mr. Latimer also admitted that he acted
9 as a courier from time to time for Mr. Thomas, during which he
10 would deliver kilogram quantities of cocaine to individuals
11 being supplied Mr. Thomas in the North Carolina area.
12 Mr. Latimer admitted to at least distributing 5 kilograms of
13 cocaine at Mr. Thomas' direction to individuals in North
14 Carolina. That information has been corroborated by other
15 cooperating defendants.

16 Specifically, with regard to Ms. Suber, Judge, in
17 addition to the October 23rd currency seizure, on February
18 26th, at the time of his arrest, Mr. McGowan was found in
19 possession with about \$590,000 in cash. In addition, a
20 financial investigation determined that Mr. McGowan and
21 Ms. Poore conducted over \$400,000 in unexplained cash
22 transactions through a financial institution with whom they
23 held accounts. Had Ms. Suber's case gone to trial -- and,
24 Judge, she's charged in Count 29 in the money laundering
25 conspiracy with Mr. McGowan and Ms. Poore. Had Ms. Suber's

1 case gone to trial, the government would be relying as
2 evidence, wiretap calls between Mr. McGowan and Ms. Suber,
3 Mr. McGowan and others. An analysis or financial analysis of
4 Mr. McGowan's legitimate income. An analysis of his
5 unexplained wealth and the amount of cash transactions which,
6 as I stated, amounted to over \$400,000. Testimony from an
7 expert who would testify that cash in and of itself or the use
8 of cash is a method of concealment, as cash is not easily
9 traceable. Mr. McGowan's now admitted involvement in drug
10 distribution during the same period as the transactions
11 alleged in Counts 35 through 41, and 45 against Ms. Suber.
12 That those transactions were conducted with drug trafficking
13 proceeds. The government believes that based on that evidence
14 it would be able to prove Suber's knowledge, either actual
15 knowledge or her deliberate ignorance, that the cash
16 transactions she conducted as described in Count 35 through 41
17 and 45 were conducted with drug trafficking proceeds.

18 Judge, it was part of the money laundering conspiracy
19 that Mr. McGowan's source, the source of his income or source
20 of the property he used to conduct -- or he and others used to
21 conduct the transactions would be concealed. The government
22 intercepted multiple conversations between Mr. McGowan and
23 Ms. Suber during which Mr. McGowan reminded, advised, and
24 sometimes instructed Ms. Suber against depositing large sums
25 of money, specifically limiting her transactions to under

1 \$10,000, which would trigger a federal reporting requirement.

2 The evidence that Ms. Suber took those instructions
3 to heart are documented in Counts 35 through 41 of the
4 superseding indictment. Those transactions list deposits,
5 cash deposits made by Ms. Suber into Bank of America accounts
6 in amounts less than 5,000 dollars each. However, the
7 transactions were either conducted on the same day or the day
8 after. In Counts 36 and 37, Ms. Suber deposited just short of
9 \$10,000 into an account that was used to pay the rent on a
10 building that Ms. Suber and Mr. McGowan rented to house a bar
11 and grill.

12 In Counts 38 and 39, both transactions occurred on
13 January 8th. However, they were separate transactions. One
14 is a cash deposit of \$5,000 into a bank account, and the
15 second transaction that occurred on January 8th is a
16 5,000-dollar payment, rent payment to the landlord for the
17 building that housed the bar and grill.

18 In Count 45, Your Honor, the spending provision of
19 the money laundering offense, the purchase which was also a
20 structured purchase, two transactions to purchase a
21 15,000-dollar cashier's check that was used to pay first
22 months rent, and a security deposit on that same building that
23 was used or rented to house the bar and grill in which both
24 Mr. Suber -- Ms. Suber and Mr. McGowan had an interest.

25 The government believes that based on the evidence

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1 that I've just kind of summarized, it would be able to show
2 that Ms. Suber not only conducted the cash transaction,
3 primarily at Mr. McGowan's request, but that she knew at the
4 time that she conducted the transactions, that the
5 transactions were being conducted with proceeds of some
6 specified unlawful activity. The government alleges drug
7 trafficking. And that the transactions were conducted to
8 conceal the source, nature -- the true source and nature of
9 the property that was being used to conduct the transactions.
10 Specifically as to Count 45, the government would be able to
11 show that the \$15,000 that Ms. Suber used to purchase the
12 cashier's check for the security deposit and rent for the
13 building that housed Legends Bar and Grill was in an amount in
14 excess of \$10,000, and the \$15,000 that purchased that check
15 was proceeds of drug trafficking.

16 THE COURT: All right. Thank you. Mr. Latimer, let
17 me begin with you. Did you listen carefully to the
18 prosecutor's summary, general summary of the facts of the case
19 and more specifically what the government says you did
20 relative to Count 1 of the indictment to which you are
21 pleading?

22 DEFENDANT LATIMER: Yes, sir.

23 THE COURT: All right. With respect to Count 1 of
24 the superseding indictment which you are pleading, do you
25 agree with the prosecutor's summary of what you did in

1 violation of that law?

2 DEFENDANT LATIMER: Yes, sir.

3 THE COURT: Do you disagree with anything the
4 prosecutor said about what you did relative to that charge?

5 DEFENDANT LATIMER: No, sir.

6 THE COURT: Is there anything else that you would
7 like to tell me about what you did before I determine whether
8 or not to accept your plea?

9 DEFENDANT LATIMER: No, sir.

10 THE COURT: All right. Are you pleading guilty
11 because you are, in fact, guilty of the conduct charged in
12 Count 1 of the superseding indictment?

13 DEFENDANT LATIMER: Yes, sir.

14 THE COURT: All right. Ms. Suber, did you listen
15 carefully to the prosecutor's general summary of the facts of
16 the case, and more specifically to what the government says
17 you did relative to Count 29 of the superseding indictment,
18 the conspiracy to commit money laundering charge?

19 MR. BREHM: Can I have one second, Your Honor? She
20 was trying to tell me something.

21 THE COURT: Okay.

22 MR. BREHM: She does take exception to one thing.

23 DEFENDANT SUBER: One thing. I was unaware of the
24 drug trafficking. To my knowledge the money that I received
25 to -- on my bar came from two other clubs that he owned. I'm

1 totally unaware of any type of drug trafficking that was going
2 on.

3 MR. BREHM: Judge, as I've discussed this with the
4 government, she admits that she knew that the proceeds were
5 illegal. He had two clubs. Her understanding was is that the
6 transactions, the money was coming to her from the clubs as
7 cash, and he was trying to get a way around the reporting
8 requirements. I've discussed that with the government.

9 THE COURT: All right. Well, here's my only concern,
10 Ms. Suber. My concern is that you are freely, voluntarily,
11 and knowingly pleading guilty to the facts set out with regard
12 to Count 29 of the superseding indictment, which is a charge
13 of conspiracy to commit money laundering. That requires you
14 to know or understand that the proceeds came from some illegal
15 activity, or to have made yourself willfully blind to such
16 knowledge when a reasonable person would know that. Now, the
17 specific nature of that I understand you may quibble about.

18 So, if I understand counsel's representation, you
19 freely and voluntarily admit that you knew or believed these
20 funds were coming from an illegal activity when you engaged in
21 these transactions; is that correct?

22 DEFENDANT SUBER: Yes.

23 THE COURT: All right. And based upon that are you
24 pleading guilty to the violation of that statute under that
25 count of the superseding indictment because you are, in fact,

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1 guilty of that conduct?

2 DEFENDANT SUBER: Yes, sir.

3 THE COURT: All right. Other than your dispute with
4 respect to your knowledge of the specific nature of the
5 illegal activity, is there anything else you disagree with or
6 anything else that you would like to tell me before I
7 determine whether or not to accept your guilty plea?

8 DEFENDANT SUBER: No, sir.

9 THE COURT: All right.

10 MR. BREHM: Judge, I do have one item that I want to
11 bring to the Court's attention, just so it doesn't come back
12 to bite us. As you've been made aware, my client started a
13 nightclub. She, as a result of these charges, wanted to get
14 rid of the nightclub as it was causing her nothing but
15 problems. And last month she entered into an agreement to, in
16 fact, transfer the ownership of that club to someone else.
17 She does not own the building. It's my understanding that --
18 I don't think there's any monetary value to that that she
19 would have, or ownership she would have. It would be subject
20 to being forfeited. I just want the Court to be made aware,
21 the government to be made aware of, that was something that
22 she brought to my attention when she signed the plea agreement
23 that she's trying to get rid of that club.

24 THE COURT: All right. Well, that's an issue, and
25 I'll be happy to hear from the government, but that's really

1 an issue for determination prior to submission of a
2 preliminary order of forfeiture, and subject to the Court's
3 determination at sentencing prior to any final disposition of
4 the case.

5 Ms. Washington, is there anything that you'd like to
6 be heard on at this point in the proceeding?

7 MS. WASHINGTON: Your Honor, may we approach just
8 briefly?

9 (Bench conference off the record.)

10 THE COURT: All right. Ms. Suber, I apologize. We
11 digressed a little bit on the forfeiture issue. I just want
12 to make sure for the record was there anything else you wanted
13 to tell me about what you did in this case?

14 DEFENDANT SUBER: No, sir.

15 THE COURT: Thank you, ma'am. All right. Based upon
16 the information presented, I do find that there is a factual
17 basis for the guilty pleas by each of these defendants.

18 With respect to Mr. Latimer, I find that his plea of
19 guilty is being made freely, voluntarily, and knowingly with
20 the advice and assistance of counsel, and is supported by
21 independent basis in fact containing each of the essential
22 elements of the offense to which he has pled guilty.
23 Accordingly, his plea of guilty is hereby accepted pursuant to
24 the terms of the plea agreement that has been entered in this
25 case, and he is adjudged guilty of the offense charged.

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1 Mr. Latimer, I would now refer you to the United States
2 Probation Office in preparation of your presentence report,
3 and directing you to cooperate with them for that purpose.
4 Once that report is prepared, both you and your attorney will
5 have an opportunity to review it, make any objections to it
6 that you deem appropriate. Once that process is complete we
7 will schedule a sentencing hearing in your case. I believe
8 that there is an additional matter that your attorney wants to
9 take up, so I'm going to ask you to hang with us for just a
10 moment. We'll get to that.

11 Ms. Suber, with respect to your situation I find that
12 your plea of guilty is also being made freely, voluntarily,
13 and knowingly, with the advice and assistance of counsel, and
14 is supported by an independent basis in fact containing each
15 of the essential elements of the offense to which you have
16 pled. Accordingly, your plea of guilty is hereby accepted
17 pursuant to the terms of the plea agreement you have entered
18 into with the government in this case, and you are adjudged
19 guilty of the offense to which you have pled. You are now
20 referred to the United States Probation Office for preparation
21 of your presentence report, and I'm directing you to cooperate
22 with them for that purpose. Once that report is completed and
23 both you and your attorney have had an adequate opportunity to
24 review it and make any objections to it that you deem
25 appropriate, we will schedule a sentencing hearing in your

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1 case.

2 Let me hear from Pretrial Services. Have there been
3 any issues with respect to Ms. Suber on her bond?

4 PROBATION OFFICER: No, Your Honor.

5 THE COURT: All right. Any objections from the
6 government as to continuing her bond pending sentencing?

7 MS. WASHINGTON: No, sir.

8 THE COURT: All right. Ms. Suber, I'm going to allow
9 you to remain on bond pending your sentencing hearing. I will
10 tell you that all of your conditions of bond continue in
11 effect. Any violation of your bond will come back to me, not
12 the magistrate judge. And any violation of your bond will
13 result in you being incarcerated pending your sentencing
14 hearing. So, just keep doing what you're doing. Follow all
15 the provisions of your bond. And we will schedule a
16 sentencing hearing at an appropriate time.

17 Anything further regarding Ms. Suber from the
18 government?

19 MS. WASHINGTON: No, Your Honor.

20 THE COURT: Anything further from Defense?

21 MR. BREHM: No, sir, Your Honor.

22 THE COURT: All right. That concludes this matter.
23 Thank you very much.

24 All right. Before we get onto anything else, let's
25 wind up Mr. Latimer here. Ms. Rainey, I understand there's an

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1 issue you wish to address.

2 MS. RAINEY: Yes, Your Honor. We understand that the
3 Court follows the Mandatory Detention Act. We would ask that
4 Mr. Latimer be allowed to remain on bond due to exigent
5 circumstances. I know the Court is very aware that
6 Mr. Latimer was a victim, a potential victim in a conspiracy
7 earlier with the primary defendant in this case, Mr. McGowan.
8 I'm sure you're familiar with how Spartanburg County is set
9 up. There's only two pods actually for male defendants.
10 Cannot guarantee that Mr. Latimer would not be exposed to
11 Mr. McGowan or some person related to Mr. McGowan. I believe
12 that it is in his best interest that he remain on bond.

13 Your Honor, he's been completely compliant with bond,
14 not a problem at all. And his bond is very restrictive in
15 that he is completely house ridden. He can only go to
16 doctors' appointments. And as you've heard he's no longer
17 under doctor's care, so he only comes to see me. I don't know
18 if the Court is aware that there was earlier, I guess earlier
19 this year at his former residence, an actual drive-by
20 shooting, where we verily believe that he was the intended
21 recipient. So, considering all of that, Your Honor, we would
22 just ask that he be allowed to remain on bond. As I said
23 earlier, he has not had one complaint from Mr. Shaw as it
24 relates to bond. He only comes to see me and that is very
25 rare. So, I believe that it is in his best interest and for

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1 his safety that he be allowed to remain on bond.

2 THE COURT: All right. Let my hear from Pretrial
3 regarding his current terms of bond.

4 PROBATION OFFICER: It's my understanding we have no
5 issues on bond at this time.

6 THE COURT: Is he on GPS and house arrest?

7 PROBATION OFFICER: The agent is here, Your Honor.

8 THE COURT: Okay. Let me hear from him. I'm sorry,
9 I'm looking at the wrong person.

10 Is he on GPS and house arrest?

11 PROBATION OFFICER: That's correct. He is on GPS and
12 home detention.

13 THE COURT: Home detention?

14 PROBATION OFFICER: That's correct.

15 THE COURT: All right.

16 PROBATION OFFICER: Judge Austin, I believe, had the
17 bond ordered. But, I mean, I believe she specifically noted
18 that he is only allowed out for medical purposes.

19 MS. WASHINGTON: And legal purposes.

20 PROBATION OFFICER: And legal purposes.

21 THE COURT: All right. Ms. Washington.

22 MS. WASHINGTON: Judge, this issue came up with a
23 similarly situated Defendant, Mr. Thomas, who was also a
24 threat -- a victim -- or a threat was lodged against his life
25 as well while out on pretrial supervision. The government's

1 position is that the defendant, he and both Mr. Thomas are far
2 safer in the custody of the Marshals Service held at
3 Spartanburg County Detention Center. When the threat was made
4 against Mr. Latimer, Mr. Latimer was at home out on the
5 street. He had no additional layers of protection. At least
6 if he is housed in the Spartanburg County Detention Center he
7 will be in their custody and he will have some protection, the
8 protection afforded by workers, the staff at the Spartanburg
9 County Detention Center.

10 Mr. McGowan is housed there. It's my understanding
11 from the Marshals Service that he is housed in a unit where he
12 has limited contact with other individuals. The government
13 believes that if safety is a concern, that he is safer behind
14 the walls of the Spartanburg County Detention Center separate
15 and away from Mr. McGowan than he is at home. The threat that
16 was made against this defendant and the other defendant was to
17 be carried out by somebody on the outside, somebody who was
18 going to get out on the outside. The government's position is
19 that he's putting himself in a less safe position if the Court
20 should allow him to remain out on bond rather than revoking
21 his bond under the Mandatory Detention Act that specifically
22 applies to his case.

23 THE COURT: All right.

24 MS. RAINEY: Your Honor, if I may.

25 THE COURT: Ms. Rainey, let me ask you this. Who

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1 resides with Mr. Latimer?

2 MS. RAINEY: His mother. And, Your Honor, just to
3 respond. They have moved to a new place. When he was out
4 during, you know, during that threat, he has been in this home
5 under house arrest since I think April. The concern that I
6 have with Spartanburg County is there is one officer per pod
7 per, you know, shift. I've gone in there and I've not felt
8 safe. So, I understand what Ms. Washington has said, but
9 there is an open space, open exposure. We don't know who from
10 Greenwood knows Mr. Latimer. AUSA, Mr. Jim May, when I first
11 spoke with him, he informed me that Mr. Latimer in
12 Mr. McGowan's opinion was public enemy number one. So, I
13 don't know what reach Mr. McGowan has. I understand what
14 Ms. Washington has said, but it's certainly our position that
15 he is in a place where he's safe, where he has really no
16 contact with the outside except for Mr. Shaw and myself
17 really, in all reality. So, we believe under those
18 circumstances that he is in a better position on the outside
19 than he would at Spartanburg County.

20 THE COURT: All right. Let me see Pretrial Services
21 off the record.

22 (Bench conference off the record.)

23 THE COURT: All right. The Assistant U.S. Attorney
24 is correct. This issue has come up with respect to another
25 defendant in this case. And I'm going to say in this case

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1 what I said in that case. It's a very close call. I do agree
2 that there is some risk to Mr. Latimer to have him housed in
3 Spartanburg. But I could have him housed in Anderson for that
4 matter. On the other hand, there's an argument to be made
5 that in custody where people associated with this case or
6 associated with Mr. McGowan may be present and might have more
7 ready access to Mr. Latimer, creates a greater danger. That
8 argument is there. I do find as I did in Mr. Thomas' case
9 that the safety of the defendant, in this case Mr. Latimer, is
10 an exceptional circumstance or extraordinary circumstance
11 within the meaning of the exception to the Mandatory Detention
12 Act.

13 I'm reluctant to allow Mr. Latimer to stay out
14 because of the nature of these charges and because but for the
15 previous threat there would be no question that he would be
16 going into custody. However, I want to be consistent, and so
17 I'm going to try to structure my ruling in a way that will be
18 consistent. As I indicated, I have found that this
19 essentially death threat that existed earlier in this case
20 does constitute exceptional circumstances. As a result of
21 that, although it's a close question, I will find in this case
22 as I did in Mr. Thomas' case that Mr. Latimer is likely to be
23 more secure with the status quo than by being taken into
24 custody where other members of this conspiracy may be housed.

25 Now, having said that, I'm going to change the

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1 conditions of your bond somewhat in that I'm going to more
2 formally change this from home detention to house arrest.
3 What that means is, this is essentially being incarcerated at
4 home. You'll be monitored on GPS as you are now. I will
5 allow you to travel as necessary to confer with your lawyer.
6 It is my understanding that as of this time you have no
7 regularly scheduled medical appointments; is that correct?

8 DEFENDANT LATIMER: Yes, sir.

9 THE COURT: All right. So, the only exception I'm
10 going to allow is for legal consultation. If anything else
11 comes up, if you have any type of medical condition other than
12 a medical emergency, if you have any other issue, it is going
13 to have to come back before me before it can be approved. And
14 I will tell you right now it will have to be extraordinary for
15 me to approve it.

16 Now, with respect to medical, since I'm taking away
17 what was there from Magistrate Judge Austin's order, I want to
18 make clear to pretrial, if it's a medical emergency, you know,
19 if you cut yourself, you've got to go to the emergency room.
20 They don't have to come find me for that. But anything beyond
21 an emergency, or your consultation with your attorney, has to
22 be preapproved by this Court. Understood?

23 DEFENDANT LATIMER: Yes, sir.

24 THE COURT: All right. Any questions from Pretrial?

25 PROBATION OFFICER: No, Your Honor. I would request

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1 that we change the wording from house arrest to home
2 incarceration.

3 THE COURT: That's -- whatever the necessary
4 semantics are, we will make our order accordingly.

5 PROBATION OFFICER: Thank you, Your Honor.

6 THE COURT: All right. Anything further, Ms. Rainey?

7 MS. RAINEY: No, sir.

8 THE COURT: Anything further, Ms. Washington?

9 MS. WASHINGTON: No, sir.

10 MS. RAINEY: No, sir.

11 THE COURT: That concludes this matter. Thank you.

12 (Further proceedings were held but not transcribed at this
13 time.)

14 (Court adjourned at 4:28 p.m.)

15
16
17 CERTIFICATE

18 I, Michele E. Becker, certify that the foregoing is
19 a correct transcript from the record of proceedings
20 in the above-entitled matter.

21
22 /s/ Michele E. Becker Date: 02/28/2020

23
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25
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